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In re Application of :
KLEINBERGER *et al* :
U.S. Application No.: 10/070,355 :
PCT No.: PCT/IL00/00534 :
Int. Filing Date: 05 September 2000 :
Priority Date: 07 September 1999 :
Attorney's Docket No.: 02/23506 :
For: SYSTEMS AND METHODS OF THREE :
DIMENSIONAL VIEWING :

DECISION

This decision is in response to applicants' petition under 37 CFR 1.78(a)(3) and (a)(6) filed on 31 July 2006.

The petition is **dismissed** as moot for the reasons stated below.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) and (a)(6) is only applicable to those applications filed on or after November 29, 2000.

37 CFR 1.78(a)(2)(ii) and (a)(5)(ii) indicates that the time periods set forth therein do not apply if the later-filed application is: (1) an application for a design patent; (2) an application filed under 35 U.S.C. § 111(a) before November 29, 2000; and (3) a **nonprovisional application which entered the national stage after compliance with 35 U.S.C. § 371 from an international application filed under 35 U.S.C. § 363 before November 29, 2000.**

Since the instant nonprovisional application is the national stage entry of an international application filed prior to November 29, 2000, the provisions of 37 CFR 1.78(a)(3) and (a)(6) for acceptance of a late claim for priority do not apply to the subject nonprovisional application. Accordingly, the petition is dismissed as involving a moot issue.

It is also noted that section 1893.03(b) of the MPEP states:

An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages. Often the date of entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the

international stage application is also the filing date for the national stage application.

U.S. application No. 09/987,793 was filed after the filing date of the subject application and as such, cannot be made a Continuation-In-Part of the present national stage application.

The petition fee of \$1,370 has been credited back to Deposit Account No. 50-1407.

This application is being forwarded to Art Unit 2866 for further processing.



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